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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,682	02/14/2002	Christopher R. Rice	42365-00580	1659
46670	7590	07/19/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,682

Applicant(s)

RICE ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received on April 17, 2006 has been entered into record.
3. Claims 1-32 remain pending.

### ***Response to Amendment***

4. This office action is in response to the amendment filed on April 17, 2006. Previous office action contained claims 1-32. Applicant amended claims 1, 2, 7, 11, 13, and 17. Amendment filed on April 17, 2006 have been entered and made of record. Therefore, pending claims 1-32 are presented for further consideration and examination.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being obvious over Landgren (U.S. 6,115,754) in view of Holmes et al. (U.S. 6,334,056).

8. Re claim 1, Landgren discloses in Figures 1-2 a system for controlling access to location information generated for wireless communications devices (e.g. abstract, Figure 2A, and col. 3 lines 36-55), comprising: a first interface accessible (e.g. 102 in Figure 1 from 102 to 106 and 210 in Figure 2A) over a data network which is configured to access, retrieve and provide the location information for the at least one wireless communications device to the requesting client application (e.g. col. 3 lines 1-35) wherein prior to provision of the location information the first interface is further configured to access the privacy profile of the at least one wireless communications device (e.g. 310 and 312 in Figure 3 and col. 8 lines 55-65) and based on the analysis of the at least one privacy preference provide the location information in a manner specified in the profile, which includes but is not limited to denying access to the location information (e.g. 312-318 of Figure 3; and col. 8 lines 55-65). Holmes et al. disclose in Figure 3 a first memory (e.g. 36 in Figure 3) configured for storing at least one privacy profile for at least one subscriber wireless communications device (e.g. col. 2 lines 50-57, col. 3 lines 35-41, and col. 4 lines 34-37), wherein the privacy profile includes at least one of identification information

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for the at least one wireless communications device (e.g. col. 5 lines 14-25 and lines 40-52) and at least one privacy preference for providing location information for the at least one wireless communications device to a requesting client application (e.g. col. 2 lines 16-29, lines 50-56 and col. 4 lines 38-48). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention is made to add a first memory configured for storing at least one privacy profile for at least one subscriber wireless communications device, wherein the privacy profile includes at least one of: identification information for the at least one wireless communications device and at least one privacy preference for providing location information for the at least one wireless communications device to a requesting client application as seen in Holmes et al.'s invention into Landgren's invention because it would enable to provide appropriated security to the subscriber (e.g. col. 2 lines 18-29).

Re claim 2, Landgren further discloses the first interface is further configurable to provide access to the subscriber profile for the at least one wireless communications device and to enable a subscriber accessing the profile to modify at least one of: the identification information, the at least one privacy preference, and access information to the profile (e.g. 312 and col. 8 lines 56-65).

Re claims 3 and 16, Landgren further discloses the at least one privacy preference includes at least one of: total denial of access, limited access to a time period, access limited to a type entity making the request, access only granted to request of particular granularity, and access based on user's geographic location (col. 8 lines 60-65).

Re claim 4, Landgren further discloses the first interface is further configured to perform an authorization and authentication process for the requesting client applications which request

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the location information for the at least one wireless communications device (e.g. 301 and 302 in figure 3).

Re claim 5, Landgren further discloses the memory is further configured to include a client profile for each of the requesting client applications wherein the client profile includes at least one of: client identification information and location request processing information (e.g. 310-314 in figure 3).

Re claims 6 and 17, Landgren further discloses the client profile may further include at least one of: allowed location request types, time periods when the location requests are limited, limits on frequency of the location requests, granularity allowed of the location information provided, notification provisions for the at least one wireless communications device (col. 8 lines 60-65).

Re claim 7, Landgren further discloses the first interface is further configured to provide access to the client profile and enable the requesting client applications to modify the client profiles that they are authorized to access (e.g. as register with server 302).

Re claim 8, Landgren further discloses a second interface through which communications are established with a location server which provides the location information for the at least one wireless communications device (Figure 1B).

Re claim 9, Landgren further discloses the second interface is configured to receive location requests made through the location server, and to access the subscriber profile and provide access to the location information for the at least one wireless communications device based on analysis of the privacy preferences in the subscriber profile (col. 7 lines 15-31).

Re claims 10 and 21, Landgren further discloses the first interface is configured to communicate over the data network with at least one of: a computer workstation configured with a web browser and a network connection (e.g. Figure 3 and 4 particularly), wireless communications device employing wireless access protocol (WAP) and connecting through a WAP gateway, a wireless communications device configured for short message service (SMS) and a phone configured with a direct HTML browser.

Re claims 11 and 22-24, Landgren further discloses the first interface is further configured to perform at least one of: automated billing functions related to the requests for the location information received from the requesting applications; provide the location information based on a priority assigned to the client application (e.g. Figure 4 location option); and request throttling which controls number of the location requests the client applications are permitted make within an identified time period (col. 8 lines 21-26; and Figure 4).

Re claim 12, Landgren further discloses at least one of: the first memory and the first interface, are configurable on the same platform as the location server (Figure 1A with 102).

Re claim 13, Landgren discloses a method of controlling access to location information generated for wireless communications devices operating in a wireless communications network (Abstract and figures 1A, 2A, 3, and 4), comprising: receiving a request associated with at least one wireless communications device over a data network from a requesting client application (e.g. 302/308 of Figure 3); accessing a subscriber profile associated with the at least one wireless communications device in memory, wherein the subscriber profile includes an indication of which of the requesting client applications have been authorized to receive location information as well as at least one privacy preference which controls the manner in which the location

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information is provided (Figure 3; col. 8 lines 43-55); determining whether the requesting client application is included in the accessed subscriber profile for the at least one wireless communications device, and if the at least one client application is identified in the accessed subscriber profile, providing access to the location information for the at least one wireless communications device according to the at least one privacy preference (Figure 3; col. 8 lines 56-65).

Re claim 14, Landgren further discloses authenticating and authorizing the at least one client application upon receipt of the request for the location information for the at least one wireless communications device (e.g. 314 of Figure 3).

Re claim 15, Landgren further discloses accessing a client profile in memory associated with the at least one requesting client application, receiving identification information from the at least one requesting client application, comparing the received identification with stored identification in the client application profile (e.g. 308-312 of Figure 3); and authenticating and authorizing the request for the location information if the received identification information substantially matches the received identification information (e.g. 314 of Figure 3).

Re claim 18, Landgren further discloses detecting an access request for the client application profile for the at least one client application, wherein the request includes identification information for the at least one client application, retrieving the client application profile from memory and presenting said profile to the requesting client application, and detecting modifications to the client application profile and entering the detected modifications in the client application profile (e.g. 302-314 of Figure 3).



Re claim 19, Landgren further discloses detecting an access request for the client application profile for the at least one subscriber, wherein the request includes identification information for the at least one subscriber, retrieving the subscriber profile from memory and presenting said profile to the requesting subscriber, and detecting modifications to the subscriber profile and entering the detected modifications in the subscriber profile (e.g. 302-314 of Figure 3).

Re claim 20, Landgren further discloses the location requests received from: client applications over a data network and directly from a location server (Figure 1A).

Re claim 26, Landgren further discloses notifying the wireless device that the client application is not authorized to receive the location information, and updating the subscriber profile to authorize the client application to receive the location information during subsequent requests (e.g. as register with server 302).

Re claim 27, Landgren further discloses updating the subscriber profile is performed by a subscriber (e.g. as register 302).

Re claims 28 and 31, Landgren further discloses updating the subscriber profile comprises updating the permission set for the client application (e.g. 314 of Figure 3).

Re claims 29 and 32, Landgren further discloses the permission set comprises at least one of a temporal permission set, a spatial permission set, a granularity filter, or a notification instruction (e.g. 314 of Figure 3).

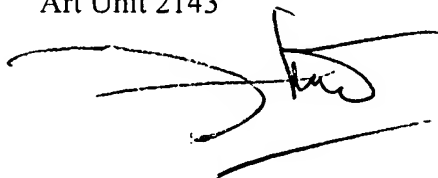
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen  
Examiner  
Art Unit 2143



July 13, 2006